REMARKS

Reconsideration and withdrawal of the 35 USC 102(b) rejections of claims 1 - 10 is respectfully requested.

The Examiner has maintained her 35 USC § 102(b) rejection of claims 1 – 10 as previously set out in the office action of September 9, 2005. The Examiner considered applicant's office action response of February 15, 2006 not to be persuasive. Specifically, the Examiner maintains her opinion that a telephone answering machine, voice mail system, or the like reads on the limitation "automatically answering the call" set out in independent claims 1, 5, 6, and 10 of the present invention. Applicant has amended the claim limitation to clarify that the call answered by the mobile phone in the present invention establishes a full-duplex connection that allows the calling party to hear what is happening in the environment around the mobile phone via the mobile phone's microphone. Support for this amendment can be found in ¶ [0011] of the present published application (US2005/0227671 A1). This is in stark contrast to Mizikovsky's answering machine or voice mail system. An answering machine and a voice mail system are not full-duplex because they only permit one-way communication, i.e. leaving a message for the called party. There is no mechanism to allow the calling party to 'hear' what is going on around the mobile phone since the mobile phone is not answering the call, the answering machine or voice mail system is 'answering' the call.

In addition, the Examiner has not specifically addressed the merits of applicant's remarks pertaining to independent claims 5 and 10. The applicant maintains that Mizikovsky does not anticipate the present invention for the reasons set forth above and below.

The Examiner has rejected claims 1-10 of the present application under 35 USC 102(b) citing US Pat. No. 5,559,860 to Mizikovsky. Mizikovsky teaches a mobile phone that receives and processes caller ID data and assigns an incoming call to a predetermined response category based on the caller ID data associated with the incoming call (col. 8, lns. 8-19). Predetermined response categories set forth in Mizikovsky include assigning a distinctive ring alert to the incoming call (col. 6, ln. 32), muted ringing (i.e., silent mode) (col. 6, ln. 44), voice mail diversion (col. 6, ln. 58), voice scrambler (col. 6, ln. 64), facsimile diversion (col. 7, ln. 7), data modem (col. 7, ln. 9), among others. However, none of the predetermined response categories explicitly or impliedly include allowing the mobile phone to automatically answer itself.

Mizikovsky examines the caller ID data and compares it to telephone numbers stored in memory on the receiving mobile device. When a match is found, Mizikovsky checks if a predetermined response category is assigned to the number. If not, the mobile phone will alert (ring) normally. If there is a predetermined response category assigned to the number, Mizikovsky will process the instructions associated with the predetermined response category which may include altering the ring tone, diverting the call, etc.

The present invention only resembles Mizikovsky in that it too processes incoming caller ID data. However, the type of processing and the steps that follow in the present invention are distinct from and not contemplated by Mizikovsky. The purpose of the present invention is to allow a mobile phone to answer itself under certain conditions. The term 'answer' as used in the present invention refers to the ability of the mobile phone to make a full-duplex connection with the calling party without any external (e.g., human) assistance. This feature can be seen as useful when checking in with mobile phone users that may be unable (most likely for health reasons) to respond to a mobile phone alert. The present invention will answer the phone and allow the called party to communicate via a speakerphone feature if they are unable to get to the mobile phone.

The present invention, as claimed, works by comparing the incoming caller ID data to the mobile phone's flagged telephone number data. Unlike Mizikovsky, the present invention will allow the mobile phone to answer itself if the incoming caller ID data is flagged as an 'override' number and the mobile phone has enabled an 'override' feature.

With respect to independent claims 1 and 6, the Examiner specifically cites (col. 13, lns. 1-21) as reading on "*determining if the calling party's phone number has been flagged as a phone number capable of causing the mobile phone to answer itself*". The cited passage, however, discusses producing various types of alerts in response to an incoming call as well as a catch all phrase to broaden the terms 'accessory' and 'peripheral devices'. There is nothing in the cited passage that refers to a mobile phone's ability to answer itself based on recognized caller ID data. The Examiner further specifically cites (col. 12, lns. 60-67) as reading on "*automatically answering the call if the calling party's phone number is flagged as a phone number capable of causing the mobile phone to answer itself*". This passage clearly does not describe such a feature. Rather, it merely describes providing a distinctive ringing signal representative of a long distance caller.

Applicant has reviewed the entire Mizikovsky patent and is unable to find any text or description of an ability for the mobile phone to answer itself such that full-duplex communication can occur. This is a key element/step claimed in the present invention.

Mizikovsky describes a variety of options that pertain to how to present an incoming call to a mobile phone user but nothing about automatically answering (connecting) the incoming call without external assistance. The present invention, in contrast, is primarily concerned with providing a mechanism based on incoming caller ID data that will cause the mobile phone to connect a call automatically and without external assistance.

In addition, independent claims 5 and 10 describe and claim a method/system that does not rely on caller ID data to automatically connect a call to a mobile phone. These claims describe and claim a process

by which a calling party can input a code when diverted to voice mail that will be recognized and cause control to be returned to the mobile phone so that it can be automatically answered. Thus, caller ID data is not used at all in this scenario.

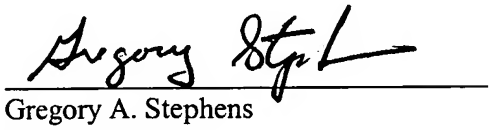
The Examiner's rejection of claims 5 and 10 specifically cite (col. 1, lns. 1-21), (col. 12, lns. 60-67), and (col. 7, lns. 21-31). None of these passages (nor does any other part of Mizikovsky) even remotely suggests monitoring the calling party's keypad entries, checking said keypad entries to determine if they match a pre-set code, returning control of the call to the mobile phone (from the voice mail service), or automatically answering (connecting) the call. Col. 1, lns. 1-21 merely describes how control channel data embedded into an incoming call is decoded and causes the mobile phone to audibly alert the mobile phone user as to an incoming call. Col. 12, lns. 60-67 merely describes providing a distinctive ringing signal representative of a long distance caller. Col. 7, lns. 21-31 merely describes the processing that occurs when the predetermined response category involves a facsimile machine.

For the foregoing reasons, the Applicant respectfully submits that the methods and systems claimed in the present application are not anticipated nor fairly taught or suggested by any of the references cited by the Examiner. Reconsideration and withdrawal of the 35 USC 102(b) rejections of claims 1 - 10 is respectfully requested.

The Examiner is authorized to charge any fees required and not paid herein, or credit any overpayment to Deposit Account 13-4365.

Respectfully submitted,

Dated: June 9, 2006



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